

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA, :

PLAINTIFF,

VS.

LARYIE EARL JONES, :

DEFENDANT.

CASE NO; 2003-418-419-157

FILED IN OFFICE

NOV 08 2004

Ron A. P.

MOTION FOR FAST AND SPEEDY TRIAL

COMES NOW THE DEFENDANT, BY AND THROUGH LARYIE EARL JONES, PRO, SE, AND REQUESTS THIS HONORABLE COURT TO GRANT A PROMPT AND SPEEDY TRIAL IN THIS MATTER, AND AS GROUNDS STATES THE FOLLOWING;

1. THE CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL IS DESIGNED TO PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS WHICH MIGHT BE CAUSED BY THE FAULT OF THE PROSECUTION. THE RIGHT TO A SPEEDY TRIAL ON THE MERITS IS NOT DESIGNED AS A SWORD FOR THE DEFENDANT'S ESCAPE, BUT AS A SHIELD FOR HIS PROTECTION. TINER VS. STATE, 182 So.2d 859 (1966).
2. BETWEEN ARREST ON AN INDICTMENT AND TRIAL THERE ORDINARILY SHOULD NOT BE MORE THAN SIX TO NINE MONTHS. MAYBERRY VS. STATE, 264 So.2d 198 (1971).
3. THE RIGHT OF A SPEEDY TRIAL IS NECESSARILY RELATIVE. IT IS CONSISTENT WITH DELAYS AND DEPENDS UPON CIRCUMSTANCES. IT SECURES RIGHTS TO A DEFENDANT. IT DOES NOT PRECLUDE

THE Right of Public Justice; THE CONSTITUTIONAL Right to A SPEEDY TRIAL IS DESIGNED to PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS WHICH MIGHT BE CAUSED BY THE FAULT OF THE PROSECUTION. TINER VS. STATE, 182 So.2d 859 (1966) Right to A SPEEDY TRIAL IS A RELATIVE Right WHICH DEPENDS UPON CIRCUMSTANCES OF EACH CASE; IT IS DESIGNED to PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS CAUSED BY PROSECUTION BUT DOES NOT OPERATE to DEPRIVE THE STATE of A REASONABLE OPPORTUNITY of PROSECUTING CRIMINALS. BRADEN V. STATE, 256 So.2d 425 (1971).

4. CONSTITUTIONAL REQUIREMENT for SPEEDY TRIAL is to CERTAIN EXTENT SELF EXECUTING, but it CONTEMPLATES LEGISLATIVE ENACTMENT SO AS to PROVIDE ADEQUATE MACHINERY for ADMINISTRATION of CRIMINAL LAW. EX PARTE FOSTER, ^{EX REL. GEN. OFFICE} 52 So.2d 158 (1951).
5. AN UNREASONABLE DELAY ARISING FROM NEGLIGENCE of THE PROSECUTION without FAULT OR CONSENT by APPELLANT VIOLATES the CONSTITUTIONAL GUARANTY of A SPEEDY TRIAL. FOSTER V. STATE, 229 So.2d 913 (1969).
6. DELAY of two YEARS AND NINE months, BETWEEN RETURN of INDICTMENT AND NOTICE to DEFENDANT of INDICTMENT, WITHOUT ANY REASONS for such DELAY BEING SHOWN by THE STATE, VIOLATED CONSTITUTIONAL GUARANTY of SPEEDY TRIAL, AND INDICTMENT SHOULD HAVE BEEN DISMISSED. FOSTER V. STATE, 229 So.2d 913 (1969).
7. THE DEFENDANT WAS INDICTED in the ABOVE REFERENCED CASE in ON SEPTEMBER 28, 2003, ON JUNE 22, 2004, WAS A ()N(LA)L(1)I(1) CHARGES. THE OFFICERS A: A NOTGNOThing

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- off the defendant in Count one and two in the Indictment,
elected Charged. DEFENDANT TRIAL HAS BEEN SET ON NUMEROUS
OCCASIONS AND CONTINUED THROUGH NO FAULT OF
HIS OWN, DEFENDANT SHOULD BE AUTOMATIC REVIEW BY SUCH COURT OF ^{CONDITION} RELEASE.
9. WHEREAS THE COURT ACT UNREASONABLY AND
ARBITRARILY IN SETTING \$200,000 BAIL IS
EXCESSIVE. DEFENDANT SHOULD BE AUTOMATIC REVIEW BY SUCH COURT OF ^{CONDITION} RELEASE
10. THIS IS UNREASONABLE DELAY AND THE INDICTMENT IS
THEREFORE DUE TO BE DISMISSED, PURSUANT TO USES RULES
OF CRIMINAL PROCEDURE RULE 48 (B). UNITED STATE V. DOWL ^{394 F. SUPP. 2d} (1975) ^{7th} D.C. M.D.
RESPECTFULLY SUBMITTED THIS THE ~~29~~ ^{29th} DAY OF
OCT, 2004.

George Earl Jones,
Defendant, ^{Office}

NOV 08 2004

CERTIFICATE OF SERVICE ^{Read & Answer}

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED
STATE OF ALABAMA FOR THE OPPOSING PARTY IN
THE FOREGOING MATTER WITH A COPY OF THIS
PLEADING BY DEPOSITING A COPY OF IN THE
BY MAILING THE SAME TO D.A. BY FIRST CLASS
UNITED STATES MAIL PROPERLY ADDRESSED
AND POSTED PREPAID OR BY PERSONAL SERVICE
ON THIS THE 29th DAY OF OCT, 2004.

George Earl Jones,
Defendant.

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11/CREST DR
JSIA AL 36420

CIRCUIT CLERK OF
COVINGTON COUNTY COURTHOUSE
ANDALUSIA AL 38001-70

36420/2310

11. *Leucosia* (Leucosia) *leucostoma* (Fabricius) (Fig. 11)